

U. S. PTO Customer No. 25280

Case #2171

REMARKS

Claims 1, 7, 9, 18, 19, 44, 46, 48 – 52, 54, 55, and 58 have been amended and claims 8, 31, 32, 42, 43, and 56 have been canceled without prejudice. No claims have been added. Thus, claims 1, 4 – 7, 9, 11 – 22, 24, 25, 27 – 30, 33, 35 – 37, 44 – 46, 48 – 52, 54, 55, and 58 remain subject to continued examination. Each of these claims is believed to be in condition for allowance. Accordingly, an action to that effect is requested at this time.

ART REJECTIONS:

Applicants respectfully note that claims 32, 42, and 43 were not rejected in the body of the Office Action. Applicants have amended claim 1 to substantially include the limitations of claims 31, 32, 42, and 43.

Other claims have been amended to be consistent with claim 1, to correct typographical errors, or both. Other than claims 32, 42 and 43, each of the claims were rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 4,522,857 to Higgins, EP 048968 to Porter et al., U.S. patent 5,540,968 to Higgins, EP 309,816 to Turner et al., and/or U.S. patent 6,089,007 to Hamilton et al. Continued rejection of claim 1 in its amended form (or any claim depending therefrom) is respectfully traversed and reconsideration of all outstanding art rejections is requested at this time.

Independent claim 1 is directed specifically to a carpet tile. As pointed out in the first declaration of Richard Kilpatrick (a Director of Development for the owner of the primary Higgins reference) in a tile construction the combination of lightweight materials as claimed would have been expected to provide inadequate dimensional stability to prevent edge curl, skew and other deformations in response to localized crushing at a point within the tile. The present invention thus represents a departure from the art.

Attached is a second or supplemental declaration of Richard L. Kilpatrick indicating that Milliken has been the leader in polyurethane cushion back carpet tile since at least about 1988, carpet tiles are more than just broadloom carpet cut into squares, Milliken & Company puts its carpet tiles through a myriad of tests, carpet tiles must be dimensionally stable to be installed as carpet tile and to withstand the vigors of use, and the like.

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The fact is that the claimed combination of low face weight and low cushion weight in a tile as presently claimed was not recognized as viable by those practicing in the art prior to the present invention. If such a combination was considered viable it no doubt would have been utilized to achieve the resulting economic benefits.

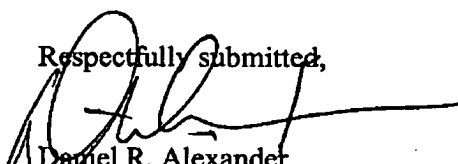
CONCLUSION:

Applicants respectfully request reconsideration and withdrawal of the rejections and that all remaining claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

Please charge any fees or credit any overpayment in connection with this Amendment to Deposit Account 04-0500.

November 17, 2004

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to The United States Patent and Trademark Office at 703-872-9306 on November 17, 2004.



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